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February 12, 2022

By ECF and e-mail

Honorable Nicholas G. Garaufis
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Virginia Lallave v. F. Martinez, et al.*, 22 Cv. 791 (NGG)

Dear Judge Garaufis:

I write to respectfully request that the Court endorse the attached production order directing that Ms. Lallave be produced to the Brooklyn federal courthouse by the Bureau of Prisons this afternoon and released to house arrest.

On February 11, 2022, the Court granted Ms. Lallave's emergency application for enlargement and directed the Bureau of Prisons to release Ms. Lallave forthwith. The Court further directed that Ms. Lallave be returned to her residence on house arrest pending further proceedings before the Court. As of this filing, there is no indication from the BOP that Ms. Lallave – who has a 10-month-old baby – will in fact be released today; the BOP has indicated only that they “are working on it” and “have made notifications.”

Accordingly, in order to ensure Ms. Lallave's returns home today, I respectfully request that the Court order her production to the Brooklyn courthouse before 5:00 p.m. this afternoon so that Ms. Lallave can be released to house arrest. Counsel has no objection to a direct release of Ms. Lallave from the MDC in satisfaction of the production order, but asks that any direct release be done on notification to counsel so that arrangements can be made for Ms. Lallave's travel home.

Thank you for your consideration of this request.

Respectfully submitted,

/s/

Martin Cohen
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Re: *Virginia Lallave v. F. Martinez, et al.*, 22 Cv. 791 (NGG)

cc: All counsel of record, by ECF
Sophia Papapetru, Esq. (BOP), by e-mail
Adam Johnson, Esq. (BOP), by e-mail
Joseph Marutollo, Esq. (USAO), by e-mail
Matthew Modafferi, Esq. (USAO), by e-mail
Nina Gupta, Esq. (USAO), by e-mail
Peter Lee (USMS), by e-mail
Deirdre von Dornum, by e-mail

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

VIRGINIA LALLAVE

- v -

F. MARTINEZ, *et al.*

Defendants.

X

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X

[PROPOSED] PRODUCTION ORDER

22 Cv. 791 (NGG)

NICHOLAS G. GARAUFIS, United States District Judge:

WHEREAS, on February 11, 2022, the Court granted
Petitioner's application for an emergency order of enlargement;

WHEREAS, the Court further directed the Bureau of Prisons
to release the Petitioner forthwith and directed the Petitioner
to be returned to her residence on house arrest;

WHEREAS, Petitioner remains incarcerated at the
Metropolitan Detention Center;

IT IS HEREBY ORDERED that the Bureau of Prisons produce Ms.
Lallave to the U.S. Courthouse, 225 Cadman Plaza East by no
later than 5:00 p.m. on February 12, 2022, so that she may be
released from the courthouse to house arrest.

In the alternative, the BOP may satisfy this Order by
releasing Ms. Lallave directly from the MDC before 5:00 p.m. on
February 12, 2022, with notification to Petitioner's counsel of
the time of her release.

Dated: February 12, 2022
Brooklyn, New York

Nicholas G. Garaufis
United States District Judge